

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

ESSEX INSURANCE COMPANY,

PLAINTIFF,

VS.

CIVIL ACTION NO. 4:05CV106-P-B

**GREENVILLE CONVALESCENT HOME,
INC.; ET AL.,**

DEFENDANTS.

ORDER

This matter comes before the court upon Defendant Earnestine Wyatt's Motion for Additional Time to Conduct Discovery [29-1]. Upon due consideration of the motion and the response filed thereto, the court finds as follows, to-wit:

Essentially, the instant motion seeks additional time to respond to the plaintiff's motion for summary judgment to allow discovery regarding the insurance policies that are the subject of this declaratory action brought by the insurance company against its insured Greenville Convalescent Home, the latter of whom is being sued in an underlying state action filed by Earnestine Wyatt.

Even though Wyatt filed an affidavit in support of her Fed. R. Civ. P. 56(f) motion for discovery and stated that she wanted to depose individuals involved in drafting the insurance policies, and even though Wyatt attached proposed interrogatories, she has not complied with Rule 56(f)'s requirement that she show exactly what genuine issues of material fact she believes can be created by the discovery. Indeed, Wyatt has not rebutted Essex's citation to *American States Insurance Company v. Natchez Steam Laundry*, 131 F.3d 551, 554 (5th Cir. 1996) for the proposition that "[t]he [insurance] policy itself is the sole manifestation of the parties' intent, and no extrinsic evidence is permitted absent a finding by a court that the language is ambiguous and cannot be

understood from a reading of the policy as a whole."

IT IS THEREFORE ORDERED AND ADJUDGED that:

(1) Defendant Earnestine Wyatt's Motion for Additional Time to Conduct Discovery [29-1] is **DENIED**; and

(2) Wyatt shall have until December 9, 2005 by which to further respond to Essex's motion for summary judgment.

SO ORDERED this the 21st day of November, A.D., 2005.

/s/ W. Allen Pepper, Jr.

W. ALLEN PEPPER, JR.

UNITED STATES DISTRICT JUDGE